

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Shannon Gibson

Plaintiff,

V.

St Louis County Executive Sam Page

St. Louis County Police Chief Lt. Colonel Gregory

Rob Brannan DSN 4398

Roger Holmes DSN 4496

Emir Hadzic DSN 4547

Wilson DSN 3488

ST. LOUIS COUNTY,

a political subdivision of the State of Missouri.

Defendants,

**Plaintiff sues each and all defendants in both their
individual and official capacities.**

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COMPLAINT AND DEMAND

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FOR TRIAL BY JURY

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NOW COMES Plaintiff, Shannon Gibson,

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complaining of Defendants, and respectfully alleges as follows:

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JURISDICTION AND VENUE

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This is a civil rights action in which the Plaintiff seeks relief for the violation of his rights secured by 42 U.S.C. § 1983 and the First, Second, Fourth, Fifth, and Fourteenth Amendments.

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Jurisdiction of this Court is found upon 28 U.S.C. § 1331.

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The events that give rise to this lawsuit took place in St. Louis County, a political subdivision of the State of Missouri.

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Venue is appropriate in the Eastern District of Missouri pursuant to 28 U.S.C § 1391(b) since the Defendants were employees of St. Louis County and the acts providing the legal basis for this complaint occurred in St. Louis County, a political subdivision of the State of Missouri.

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PARTIES

**Plaintiff, Shannon Gibson (“Plaintiff” or “Mr. Gibson”), is a
a resident of the City of St. Louis, County of St. Louis City, State of
Missouri.**

**Defendant, St Louis County Executive Sam Page was employed by
St. Louis County, is responsible for the employees of St Louis
County has a duty, swore an oath to protect the rights of the people,
breached that duty, as a result Mr. Gibson was damaged**

**Defendant, St Louis county police chief lieutenant Colonel Gregory
is employed by St. Louis County is responsible for his officers has a
duty swore an oath to protect the rights of the people**

**Defendant, Rob Brannan was the detective, was employed by St.
Louis County. Acting under the color of Federal law.**

**Defendant, ROGER HOLMES DSN- 4496, (“Holmes”) was
employed by St. Louis County as a police officer in the St. Louis
County Police Department and was acting under the color of state
law.**

**Defendant, EMIR HADZIC DSN-4547, (“Hadzic”) is employed by
St. Louis County as police officers in the St. Louis County Police**

69 **Department and was acting under the color of state law.**

70
71 **Defendant, Wilson DSN 3488 was employed by St. Louis County**
72 **and was acting under the color of state law.**

73
74 **On or about February 10, 2020, at the time of the events alleged in**
75 **this Complaint, the Defendants were at all times each acting in their**
76 **capacities, within the course and scope of their employment as police**
77 **officers and/or agents employed by St. Louis County and**
78 **under the color of law.**

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80

81 **Defendant, St. Louis County is a political subdivision of the State of**
82 **Missouri. and at all times relevant herein, was acting under color of**
83 **state law.**

84
85
86 **FACTUAL BACKGROUND**

87 At approximately 11:00am, February 10, 2020. Mr. Gibson went to the
88 Afton Post Office to mail some packages. Mr. Gibson was arrested by
89 St. Louis County police officers Hadzic and Holmes after filming the
90 post office interior.

91 10. The Post office supervisor called the police, an emergency 911 call,

92 because Mr. Gibson was filming, the supervisor explains she asked Mr.
93 Gibson stop filming in our lobby, the Post office supervisor states in **the**
94 **911 call that Mr. Gibson showed her the Federal CFR 39 CFR §**
95 **232.1** ” Poster 7, gives express invitation to take photographs for news
96 purposes specifically in the post office lobby, rules of conduct on Postal
97 Property.

98 POSTER 7 the section on photographs which should be posted in every
99 post office, it expressly states photographs MAY BE TAKEN in the
100 lobbies, foyers, and corridors and “OTHER PHOTOGRAPHS” that
101 MAY BE TAKEN only with permission,

102
103 The 911 call dispatcher asked if Mr. Gibson **displayed any weapons,**
104 **The postal supervisor states: none that she could see. The dispatcher**
105 **asked if he threatened anyone, The postal supervisor states: NO but,**
106 **at this point the postal supervisor gets really tongue tied and can't**
107 **even get a word out of her mouth. Seems she realized she has**
108 **overreacted...and says, “He won’t stop, “I can’t get him to stop”**

109
110 **She can’t get Mr. Gibson to stop filming, because she can’t get Mr.**
111 **Gibson to stop doing what her USPS Federal Regulations express**
112 **that Mr. Gibson has every right to do, she called the emergency 911**
113 **number for the police.**

114 **Mr. Gibson went to the post office to mail some packages.**

115 After a brief conversation with the desk clerk, who was irate, she
116 overheard Mr. Gibson say he heard the post office was being sold, the
117 clerk started snapping and getting loud “Don’t talk bad about the post
118 office!” Being a citizen Journalist, for matters of public interest, Mr.
119 Gibson began to take video footage of the inside of the customer service
120 lobby of the post office. The manager asked him to stop filming. When

Mr. Gibson did not put his phone away, the manager called the police, complaining that she “couldn’t get him to stop filming”

The postal supervisor states on video/audio when the police arrive asked if she asked Mr. Gibson to leave, she said no, she asked him to stop filming.

At some point between the manager’s call and the officer’s arrival, Mr. Gibson exited the lobby office door and walked over to the far corner of the adjoining foyer where the federal rules governing conduct on postal property were displayed.

Mr. Gibson was still in the foyer when Officers Hadzic and Holmes walked in the door.

Mr. Gibson explained to the officers that he was a citizen-journalist, and according to the federal regulations he was reading, he had a First Amendment protected right to take video footage on postal property. Mr. Gibson Mentioned a memo from homeland Security that came out in 2010 AND 2018. Hadzic says you mean citizen Journalist? He is familiar with the memo.

“photographs for news purposes may be taken in entrances, lobbies, foyers, corridors.” 39 C.F.R. § 232.1(i) (2020).

The police start to interrogate Mr. Gibson who is standing quietly.

Hadzic introduces himself, starts the conversation: “The filming and all, don’t you think the employees have the right not to feel harassed?

Mr. Gibson; well certainly, but their feelings do not trump my rights...

146 Hadzic: so why would you do it? Mr. Gibson: One to test them, two to
147 educate them... Mr. Gibson tried to show the USPS rules to the postal
148 supervisor she even says it in the 911 call...she was not interested in her
149 rules.

150 Mr. Gibson: This is their rules, I am sorry they are ignorant of their own
151 rules...Mr. Gibson then reads the federal regulation governing conduct
152 on postal property concerning permissive photographs and “other”
153 photographs that require permission...

154 Poster 7 is nearly word-for-word identical to the regulations in 39 CFR §
155 232.1, enacted in 1972, by the powers delegated to the Postal Service by
156 Congress in 39 USC § 401.

157
158 **(i) *Photographs for news, advertising, or commercial purposes.*** Except
159 as prohibited by official signs or the directions of security force
160 personnel or other authorized personnel, or a Federal court order or rule,
161 photographs for news purposes may be taken in entrances, lobbies,
162 foyers, corridors, or auditoriums when used for public meetings. Other
163 photographs may be taken only with the permission of the local
164 postmaster or installation head.

165
166 Hadzic: So, you are doing it just because you think you can do it?

167 Mr. Gibson: I can do it by the law by the federal law...

168 Hadzic: **Just because it's legal doesn't...**

169 Hadzic's inference is incriminating...(Just because it's legal is the only
170 **reason Mr. Gibson needs.)**

171 **Hadzic states on camera Mr. Gibson has the right to do what he is**
172 **doing, it's legal.**

173 Holmes: Have you been asked to leave?

174 Hadzic just said Mr. Gibson is not breaking the law.

175 Holmes though wants to get Mr. Gibson to leave...

176 **Mr. Gibson Replied “no they haven’t asked me to leave.”**

177 **The postal supervisor also replied “No”. “I had asked him to stop**
178 **filming” ...the police have been there now 2 minutes and 47 seconds.**

179 **Holmes now try’s to change the game...The postal supervisor has**
180 **just said she only wanted Mr. Gibson to stop filming...**

181 **Defendant Hadzic asked the postal supervisor if “she” was asking**
182 **him to leave right now, (a leading solicitation by Hadzic) How could**
183 **she say No? She just made an emergency 911 call for men with guns**
184 **to force Mr. Gibson to leave because he is filming.**

185
186 **The postal supervisor still has not asked Mr. Gibson to leave.**
187 **Holmes thinks is it now trespassing cause Hadzic just ask the postal**
188 **supervisor if she is asking Mr. Gibson to leave, Holmes thinks this is**
189 **how trespassing works...by speaking a magic spell!**

190 **Officer Holmes:**

191 **“You need to get out of here... It’s private property.”**

192 Holmes thinks The **“UNITED STATES” POST OFFICE** is private
193 property!!

194
195 Mr. Gibson: it is not ‘private property’¹⁹⁸ that he was entitled to the
196 property, “I own this property and so do you.”

197 _____

Cornel Law School. Legal Information Institute:

Private property refers to the [ownership](#) of [property](#) by private parties - essentially anyone or **anything other than the government**.

Mr. Gibson is entitled to a public building the USPS is not private property, is open and owned by the public at large, there was nothing “unlawful” going on, filming in public is a lawful act.

[40 USC § 3301\(a\)\(5\)](#)

(5) Public building .— The term “public building”— (A) means a building, whether for single or multitenant occupancy, and its grounds, approaches, and appurtenances, which is generally suitable for use as office or storage space or both by one or more federal agencies or mixed-ownership Government corporations; (B) includes— (i) federal office buildings; (ii) **post offices**;

Cornel Law School. Legal Information Institute:

Public property refers to [property](#) owned by the [government](#) (or its [agency](#)), rather than by a private individual or a company. **It belongs to the [public](#) at large.**

Post offices across the United States, including those in Missouri, are public property owned by the federal government they are federal property and fall under federal jurisdiction.

Governed by federal laws rather than state laws. This means that regulations and policies related to the operation and use of post offices are determined at the federal level by the United States Postal Service (USPS) and other relevant federal authorities.

225 A C.F.R. Is a certified Federal Regulation that regulates the post office
226 39 CFR Part 232 covers conduct on Postal Service property.

227
228

229 Mr. Gibson asked, “if” I don’t leave, what?”

230 Mr. Gibson wanted to know if they were going to threaten him with
231 arrest, this is a violation of rights in court, the term “Standing” or injury
232 in fact! "standing" in court means a person's legal right to bring a lawsuit
233 because they have been personally affected or injured by the issue at
234 hand, essentially demonstrating a concrete stake in the outcome of the
235 case.

236 Holmes “You go to jail.” “I go to jail? For what?”

237 “Trespassing.” Mr. Gibson told them that he wasn’t trespassing, and that
238 he had a right to be in a public area, “Mr. Gibson: How could I be
239 trespassing in a public area ?”

240 Mr. Gibson states, you will be sued , that is a violation of my rights,
241 Holmes: which one? Mr. Gibson the first amendment, have you heard of
242 it?

243 Homes : Freedom of speech? Mr. Gibson: Freedom of the press. Holmes
244 states “Does not cover trespassing”. Holmes infers that a right can be
245 converted into trespassing.

246

247

Officer Hadzic then asked to see Mr. Gibson's identification, and told Mr. Gibson he was legally bound to do so. Mr. Gibson refused, and he was arrested.

The arrest occurred less than 4 minutes after police arrived,

After Mr. Gibson stated that he could not be trespassing in a public area, the following exchange occurred: Hadzic: "Mr. Gibson, can I see your ID card please?"

Mr. Gibson: "No sir."

Hadzic: "Well, guess what, in the county of St. Louis, you are **required by law to identify yourself when a police officer asks you to.**"

Officer Hadzic: "Let me see your ID card."

Mr. Gibson: "No sir." Officer Holmes: "Ok, let's go to jail."

Wait, Officer Homes Just said if Mr. Gibson does not leave he will be arrested for trespassing, while still in a consensual conversation.

Mr. Gibson was free to leave, refused the unlawful demand for ID and immediately they put cuffs on him!

Mr. Gibson had no indication he was detained not free to leave and was under no obligation to identify. ²⁶⁹

In Missouri, there isn't a law that requires you to present identification simply because an officer is investigating. Missouri isn't a "stop and identify" state, which means you're generally not obligated to provide your ID to law enforcement just because they ask for it during an investigative encounter.

274 **No Statutory Obligation to ID:** Unlike some states, Missouri
275 doesn't have a statute compelling individuals to disclose their
276 identity during a police investigation. Unless you're operating a
277 motor vehicle or involved in activities that legally require
278 identification (like hunting or carrying a concealed weapon), you're
279 not mandated to present ID.

280 **Fourth Amendment Protections:** The U.S. Constitution's Fourth
281 Amendment protects against unreasonable searches and seizures.
282 Unless an officer has reasonable suspicion that you've committed,
283 are committing, or are about to commit a crime, they can't detain
284 you just for refusing to provide ID.

285
286 The Supreme Court's decision in **Hiibel v. Sixth Judicial District**
287 **Court of Nevada** (2004) upheld the constitutionality of "stop and
288 identify" statutes, but since Missouri hasn't enacted one, that ruling
289 doesn't impose additional obligations on Missouri residents.

290 **Terry Stops and Reasonable Suspicion:** During a **Terry stop** (a brief
291 detention based on reasonable suspicion), officers can ask for
292 identification, but in Missouri, you're not legally required to comply.

293 Missouri law states that “the members of the police force... shall also
294 have the power to stop any person abroad whenever there is reasonable
295 ground to suspect that he is committing... a crime and demand of him
296 his name, address, business abroad and whither he is going.”

297 However, one need look no further than the chapter heading to discover
298 that 84.710 only applies within Kansas City limits. The Missouri
299 Appellate Court has already held that “[84.710] embrace[s] no authority
300 to arrest or stop persons outside territorial jurisdiction of the city, and
301 therefore, must be interpreted as excluding such authority.”

Once a municipal officer is outside the territorial jurisdiction of the city, the municipal officer becomes a private citizen and cannot enforce that law.

_ Miller v. U.S., 230 F 2d 486, 489. "There can be no sanction or penalty imposed upon one because of this exercise of Constitutional rights."-

Sherar v. Cullen, 481 F.

These police officers are in violation of Title 18 U.S. Code 241 and 242 and Title 42 U.S. Code 1983 - Conspiracy to deprive and Deprivation of a U.S. Citizen of their Civil and Constitutional Rights without due process of law by police officers under color of law.

"The claim and exercise of a Constitutional Right cannot be converted into a crime"... "a denial of them would be a denial of due process of law."

((Wright v. Georgia), (1963)), ((Simmons v. United States), (1968)), ((Palmer v. Euclid), (1971)), ((Sherar v. Cullen), ((1973))

A U.S. Citizen cannot be lawfully detained without reasonable articulable suspicion or probable cause suspected of a crime. ((Terry v. Ohio), (1968)).

A police officer cannot demand legal identification from a U.S. Citizen without reasonable articulable suspicion or probable cause suspected of a crime. ((Brown v. Texas), (1979)), ((Kolender v. Lawson), (1983))

According to the Supreme Court of the United States ruling in ((Terry v. Ohio), (1968)), to legally detain a person, an officer is required to have specific articulable facts which, taken together with rational inferences from those facts, reasonably warrants a man of reasonable caution in the

belief that the person has committed, is committing, or is about to commit a crime.

"To detain appellant and require him to identify himself violated the Fourth Amendment because the officers lacked any reasonable suspicion to believe that appellant was engaged or had engaged in criminal conduct."

- United States Supreme Court. ((Brown v. Texas), (1979)), ((Kolender v. Lawson), (1983))

United States v. McLemore, 887 F.3d 861, 867 (8th Cir. 2018) ("The argument that the officers made a reasonable mistake of Iowa law is without merit... the Iowa Court of Appeals decision in *Carmody* is directly contrary authority.").

The officers then grabbed Mr. Gibson's arms and handcuffed him. Plaintiff was handcuffed by Defendants Holmes, Hadzic, forcibly seized, was not free to leave and was therefore detained.

Holmes, Hadzic, hurt plaintiff, (SEEN ON CAMERA) twisting his arm, Plaintiff states "you don't have to twist me hard like that" Mr. Gibson is not resisting.

Hadzic states "no one is hurting you, (While they are hurting him) this is all on camera we're good"

Because there is no law applicable, to a person whom has not committed a crime, in St. Louis County that requires Mr. Gibson to identify himself, and because both the statute itself and the

353 **appellate court’s construction of it leaves no room for a different**
354 **interpretation, Defendants Holmes, Hadzic’s mistake of law was not**
355 **objectively reasonable.**

356
357 **The police did not have probable cause to arrest Mr. Gibson for**
358 **refusing to show his identification because the only “stop and**
359 **identify” law applies to Kansas City Missouri, and the officer’s**
360 **mistake of law was not objectively reasonable.**

361 The Fourth Amendment tolerates only reasonable mistakes, and
362 those mistakes, whether of fact or of law, must be objectively
363 reasonable.

364 The mistake of law inquiry is not as forgiving as a qualified
365 immunity determination, and an officer can gain no Fourth Amendment
366 advantage through sloppy study of the laws that he is duty bound to
367 enforce.

368 A mistake of law is not reasonable when there is authority directly to the
369 Contrary.

370 **Mr. Gibson stated he is not being lawfully arrested, he never**
371 **committed a crime, it is not a crime to film.**

372 **This is where law was violated during this encounter, the**
373 **criminals were the police, this is an assault, excessive force,**

374 **discrimination, false imprisonment and profiling, kidnapping**
375 **definition 8 Mr. Gibson was discriminated against as he was the only**
376 **person arrested in the post office, for being in the post office.**

377 Defendant Hadzic stated that a constitutionally protected act can be
378 converted into Trespassing and the initiation of an investigation warrants
379 ID surrender... Hadzic on his own body worn camera is admitting his
380 incompetence of the law or is lying.

381
382 Both are St. Louis County police policy violations.

383 Mr. Gibson stated: I haven't been suspected of a crime...

384 Hadzic Stated: right, I understand but when we're investigating. I
385 get that, yes but you notice how things kind of flipped when it became,
386 when the lady told you, you got to leave (which she never said to Mr.
387 Gibson, it is all on camera) that turned into trespassing (It could not turn
388 into trespassing, it is a public building owned by and large by the public,
389 the incompetent officers were trying to enforce private property trespass
390 law, which is not applicable) Hadzic: right now we're trying to
391 investigate... Mr. Gibson: "I wasn't refusing leaving" Hadzic no, no, I
392 got you, but we "need" to investigate that stuff, (investigate after
393 arresting Mr. Gibson?) **and figure out the crime really exists** because
394 you know we can start an investigation based on a hearsay, right, all
395 right so **in the process of that investigation you are required by local**
396 **law to identify yourself to us** (Hadzic once again is either incompetent
397 or lying,)

398 **if you did, all this stuff would have been avoided.** (Hadzic admits
399 the arrest was a result of a request to identify. An unlawful request to

identify!)

Hadzic proves his incompetence or his lies, incriminating himself further, on his own body worn camera.

It is a fact the officers did no investigation in the less than 4 minute interaction, they have a duty to investigate on February 10, 2020. Despite the fact that Mr. Gibson was not under arrest, was not reasonably suspected of committing a crime, and presented no threat to the officers, the officers decided to forcibly remove Mr. Gibson from the post office.

It is a fact

April 22nd 2020 Detective Brannan called Mr. Gibson, Mr. Gibson has the recorded call obtained by discovery request, Brannan stated he was seeking a federal warrant, that the police charged him with trespassing, which is profoundly not the case...there was no trespassing charge, claims trespassing was the “reason why we were there” which is also false, also claims Mr. Gibson would be charged with felon in possession of a firearm, this again is a false statement, Brannan states he is representing the federal Government and also states that ignorance of the law does not make exempt from the law..., this phone call makes it perfectly clear Brannan did no investigation whatsoever as he knows no details about the event, that Mr. Gibson was not even charged with trespassing, makes several false statements.

Detective Rob Brannan has a sworn duty to protect the rights of Mr. Gibson, Detective Rob Brannan breached that duty and is liable for the damages caused by his gross negligence.

That morning, Mr. Gibson went to the post office to mail some packages. He was arrested by St. Louis County police officers after filming the post office interior.

In a search incident to his unlawful arrest, the police find a pistol in his pocket, and Mr. Gibson was charged with one count of being a felon in possession of ammunition.

This charge was dismissed.

Mapp v. Ohio established that the exclusionary rule applies to evidence gained from an unreasonable search or seizure in violation of the Fourth Amendment.

The 2nd amendment makes it clear it is a protected right :THE RIGHT to defend yourself cannot be infringed.

May 2024, the Ninth Circuit Court of Appeals ruled that the federal ban on convicted felons possessing firearms violates the Second Amendment for nonviolent offenders who have served their sentence. The ruling was in the case United States v. Duarte.

The defendant Brannan started a lawsuit against the plaintiff

The lawsuit ended in the plaintiff's favor

The defendant Brannan had no reasonable basis for starting the lawsuit

The defendant Brannan acted with malice in starting the lawsuit

The plaintiff suffered damages as a result of the lawsuit

The right of the people to keep and bear arms shall not be infringed:
Amendment 2 US Constitution

Because the officers lacked probable cause to arrest Mr. Gibson, this was a false arrest and malicious prosecution.

The police did not have probable cause to arrest Mr. Gibson for Trespassing, Mr. Gibson was never charged with trespassing...

There was second arrest and kidnapping:

It is a fact the detective Brannen who called Mr. Gibson did no investigation, had a sworn duty to protect Mr. Gibson's rights to life, liberty and property, and the right to defend life liberty and property. Brannen pursued a federal indictment against Mr. Gibson, 9/25/20 they send a SWAT TEAM of 5 Military style federal police to his home with machine guns and a 10-ft crowbar to tear down his door, and kidnap him a second time with an illegitimate federal indictment arrest warrant.

This is excessive force, the police body cams at the post office shows Mr. Gibson was the calmest, Mr. Gibson's history has no evidence of ever resisting arrest, Mr. Gibson has not committed a crime, was put in torture cuffs and put him in a jail cage... a direct result of officers Holmes and Hadzic's lack of training, lack of knowledge, lies and pure incompetence when it comes to fundamental law and when you are allowed to demand an ID and arrest.

A walking "Due process" Violation

480
481 **It is a fact though the officers claim they arrested Mr. Gibson for**
482 **trespassing there was never even a charge of trespassing!**

483 **It is a fact that Mr. Gibson was never charged with ANY of the 3**
484 **charges on the police report...20-6868 attached to this complaint**
485 **It says right on the top of the police report Trespassing**

486 **Tresp on private property**

487 **Interr with officer**

488 **Unlawful possession of a firearm**

489 **No charges we're filed.**
490

491 **There was no sworn affidavit he was trespassing, there was no**
492 **prosecutorial charging document, the prosecutor has a duty to**
493 **prosecute, there was never trespassing, because trespassing did not**
494 **exist and profoundly cannot exist when you are in a public building,**
495 **A Post Office which is public property, owned by the public at large,**
496 **not causing a disturbance, not in a restricted area, in a public area,**
497 **where the public is allowed during business hours...**

498
499 **The people are entitled to, and have every right, and need no**
500 **permission to be there, certainly cannot be arrested for being there,**
501 **and cannot be trespassing ... And these two who know nothing about**
502 **fundamental law discriminate and kidnap one person who is doing**
503 **what he has every right to do...**

504
505 **The liability and the Damages**

506 **4 months later. As a result of the illegal arrest Mr. Gibson was punished,**
507 **a walking due Process violation, subjected to 5 Military federal police a**

SWAT TEAM who came to kidnap him at his home with machine guns, and a 10-foot crowbar to tear down his door...

Jailed in Federal Holding overnight In Jennings Missouri where Mr. Gibson was given "Vegetarian Chicken?" being a vegetarian...forced to sign a release, pretrial supervision conditional upon forced compliance, Mr. Gibson was subject to cruel punishment, was not convicted of a crime, under threat of violence, forced under duress terrorized in lieu of bond being a caged in a jail, Mr. Gibson was psychologically coerced to agree to unreasonable strict supervision for nearly 12 months or be put in a cage: No Alcohol, Random Naked Drug tests!

Mr. Gibson could not leave the state (On two occasions Mr. Gibson was Prohibited to go to Illinois for jobs) Mr. Gibson was to report to Federal Agents weekly, pretrial supervision and federal agents do home visits the Defendants punished Mr. Gibson because of the false arrest

"The claim and exercise of a Constitutional Right cannot be converted into a crime"... "a denial of them would be a denial of due process of law." ((Wright v. Georgia), (1963)), ((Simmons v. United States), (1968)), ((Palmer v. Euclid), (1971)), ((Sherar v. Cullen), (1973))

US Constitution Amendment 1, Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech, or of the press**; or the right of the

people peaceably to assemble, and to petition the Government for a redress of grievances.

It should be noted *because* Mr. Gibson *has* every right to stay and photograph as invited and licensed to do, he cannot be trespassing for doing so. ⁵⁶¹

The claim and exercise of a constitutional right cannot be converted into a crime." Miller v. U.S., 230 F 2d 486, 489. "There can be no sanction or penalty imposed upon one because of this exercise of Constitutional rights."- Sherar v. Cullen, 481 F.

photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, 39 C.F.R. § 232.1(i) (2020).

Mr. Gibson was pleasant, and non-threatening at all times, and nothing indicates that he was breaching the peace, being boisterous, or otherwise interfering with the public nor was it complained of.

The only complaint was Mr. Gibson was filming, (or videoing.) (Absent a criminal predicate a first amendment protected activity, postal workers and police swear an oath to defend.)

The officers did not have a reasonable ground for belief that Mr. Gibson was violating the law there is a well-established right to watch and film public employees.

□ **First Amendment Protections:** The right to record public officials is grounded in the freedoms of speech and press guaranteed by the First Amendment of the U.S. Constitution. Recording is a form of information gathering and creation, which are essential steps in the expression process.

- **Quraishi v. St. Charles County** (986 F.3d 831, 8th Cir. 2021): In this case, photojournalists were arrested while covering protests. The Eighth Circuit held that the journalists' First Amendment rights were violated, emphasizing the right to document police activities in public forums.

In a democracy, public officials have no general privilege to avoid publicity and embarrassment by preventing public scrutiny of their actions.¹⁶

A highway road crew might like to arrest a frustrated motorist who parked his car and watched as the crew took an unauthorized three-hour lunch break, but such an arrest would be a flagrant abuse of government power.¹⁷

It should be noted that the officers arrested Mr. Gibson after both Holmes, Hadzic listened as Mr. Gibson read the entirety of the federal regulation applicable this conduct.²¹

583 _____
584 16 *Walker v. City of Pine Bluff*, 414 F.3d 989, 993 (8th Cir. 2005).
585 17 *Id.* at 993-94.
586 19 *Id.* at 1091. 20 *Id.*
587 21 *See* n.13, *supra*.
588 22a "The claim and exercise of a Constitutional Right cannot be
589 converted into a crime"... "a denial of them would be a denial of due
590 process of law." ((*Wright v. Georgia*), (1963)), ((*Simmons v. United*
591 *States*), (1968)), ((*Palmer v. Euclid*), (1971)),
592 ((*Sherar v. Cullen*), (1973))

593 _____
594 This is in conflict with clearly established law.
595 _____

596 **Duty, Breach, Liability**
597

598 The city of Afton Missouri contracts for police services with the St.
599 Louis County Police Department and did so in 2020. The St. Louis
600 County Police Department's policies governed the day-to day operations
601 of the Afton precinct, and city officials and employees did not otherwise
602 direct the police, Holmes, Hadzic, detective Brannan, Sergeant Wilson,
603 and Captain James McWilliams, they were in violations of St. Louis
604 County Police Policies.

605
606 It is a fact as a direct a result of St Louis county police officers, not

understanding the law and enforcing feelings instead of enforcing law, while at the Afton post office February 10th 2020 in Affton Missouri kidnapped , impounded his car, stole his gun and violated inalienable rights after being informed by Mr. Gibson, that he had every right to be in the post office, a public place and every right to take pictures in the post office according to federal regulations which he read to the officers It is a fact, in less than 4 minutes and during our consensual conversation the officers made an unlawful demand for ID when Mr. Gibson refused the threat of violence and without consent used excessive force, torture cuffs, and by definition **kidnapping** ⁷²⁴ which is to seize or take someone away illegally and by force.

565.110. Kidnapping, first degree, penalty. — 1. A person commits the offense of kidnapping in the first degree if he or she unlawfully removes another person without his or her consent from the place where he or she is found or **unlawfully confines another person without his or her consent** for a substantial period, for the purpose of: (5) Inflicting physical injury on **or terrorizing the victim** or another.

These St Louis County employees have a sworn duty to protect the rights of the people.

St Louis County Executive Sam Page is personally liable for the County employees.

St. Louis County Police Chief Lt. Colonel Gregory Mr. Gibson sent a certified letter in a notarized affidavit showing liability and intent to sue which was ignored.

Detective Rob Brannan 4398 did no investigation, pursued a federal warrant when no crime was committed

Scarpace 3686 signed off police report
Chambers 3105 signed off police report

Officer Roger Holmes **DSN-4496**

Officer Emir Hadzic **DSN-4547**

Sergeant Wilson 3488 signed off police report

Williams 3818 signed off police report

Captain James McWilliams claimed no policy violations in a letter to Mr. Gibson, liable for gross negligence and Mail Fraud

ST. LOUIS COUNTY,

a political subdivision of the State of Missouri.

Liable for failure to train or supervise

A federal prosecutor has a sworn duty to protect the life, liberty, and property of Mr. Gibson issued a federal indictment when no crime had been committed. Violating 4th amendment unlawful seizure and the 5th and 14th amendment due process violation.

A federal Judge has a sworn duty to protect the life, liberty, and property of Mr. Gibson pursued the indictment when no crime had been

committed. Violating 4th amendment unlawful seizure and the 5th and 14th amendment due process violation.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Each justice or [judge of the United States](#) shall take the following oath or affirmation before performing the duties of his office: "I, ____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ____ under the Constitution and laws of the United States. So help me God."

COUNT I VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983 (First Amendment – Unlawfully Preventing Recording a post office lobby

(Against Holmes, Hadzic, and St. Louis County, Defendants)

Plaintiff incorporates herein all the prior allegations. Plaintiff engaged in Constitutionally protected conduct of recording a post office lobby.

Plaintiff was prevented from exercising his First Amendment protected right to record a post office lobby.

Defendants intentionally breached a sworn duty to protect the rights, of Mr. Gibson, knowingly, maliciously, recklessly, unreasonably, and/or gross negligently prevented Plaintiff from recording a post office lobby without a warrant or any lawful basis.

Defendant's actions were based on Defendants' knowing, deliberate, and reckless disregard for the truth. Further, Defendants had no knowledge of any fact or circumstance which would lead a reasonable person to believe that Plaintiff committed any offense, whatsoever.

Defendants intentionally prevented Plaintiff from recording a post office, which deprived Plaintiff of his liberty without his consent, probable cause, legal justification, just cause, or any other legally valid reason.

As a result of the illegal and unconstitutional acts of the Defendants, Plaintiff was harmed and suffered damages for his loss of liberty, for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment.

COUNT II

VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983

(First Amendment – Retaliation for Protected Conduct)

Recording a post office lobby

(Against Defendants, Holmes, Hadzic, and St. Louis County)

Plaintiff incorporates herein all the prior allegations.

Plaintiff engaged in Constitutionally protected conduct of recording a post office with his phone camera.

Defendants Holmes, Hadzic detained Plaintiff for exercising his First Amendment right to record a post office lobby.

In retaliation for this protected conduct, Defendants Holmes, Hadzic, Defendants intentionally breached a sworn duty to protect the rights, of Mr. Gibson, intentionally, knowingly, maliciously, recklessly, unreasonably, and/or gross negligently detained, Mr. Gibson without a warrant or any lawful basis.

Plaintiff's retaliatory detainment was based on Defendants Holmes, Hadzic, knowing, deliberate, and reckless disregard for the truth. Further, Defendant Holmes, Hadzic had no knowledge of any fact or circumstance which would lead a reasonable person to believe that Plaintiff committed any offense, whatsoever. Such retaliation would chill and serve as a deterrent to a person of ordinary firmness from engaging in such protected conduct.

The retaliation was motivated at least in part by the protected speech and action of recording a post office lobby.

There was a causal connection between Plaintiff's Constitutionally protected conduct and the adverse retaliatory actions taken by the Defendants against Plaintiff.

Defendants Holmes, Hadzic, intentionally detained Plaintiff and/or had him detained with the intention of confining him within the fixed boundaries of the front of the patrol vehicle and kept him detained for a substantial amount of time. Additionally, detained Plaintiff in the St. Louis County Jail, Defendants Holmes, Hadzic's conduct in detaining Plaintiff deprived him of his liberty without his consent, probable cause, legal justification, just cause, or any other legally valid reason.

The acts complained of were carried out by the individual Defendants in their capacity as police officers, were not pursuant to the customs, usages, practices, procedures, and the rules of St. Louis County, all under the supervision of ranking officers of said department.

As a result of the illegal and unconstitutional acts of the Defendants, Plaintiff was harmed and suffered damages for his loss of liberty, for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment.

COUNT III

VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983

(First Amendment – Retaliation for Protected Conduct)

(Against Defendants Holmes, Hadzic, and St. Louis County)

Plaintiff incorporates herein all the prior allegations. Plaintiff engaged in Constitutionally protected conduct of recording post office lobby with his phone camera. Defendants Holmes, Hadzic seized Plaintiff's ID for exercising his First Amendment protected right to record a post office lobby.

In retaliation for this protected conduct, Defendant's Holmes,

Hadzic, intentionally breached a sworn duty to protect the rights, of Mr. Gibson, intentionally, knowingly, maliciously, recklessly, unreasonably, and/or gross negligently seized Plaintiff's ID without a warrant or any lawful basis right on the heels of a false arrest.

Plaintiff's retaliatory detainment was based on Defendants Holmes, Hadzic knowing, deliberate, and reckless disregard for the truth. Further, Defendants Holmes, Hadzic, had no knowledge of any fact or circumstance which would lead a reasonable person to believe that Plaintiff committed any offense, whatsoever.

Such retaliation would chill and serve as a deterrent to a person of ordinary firmness from engaging in such protected conduct.

The retaliation was motivated at least in part by the protected speech or action of filming the post office.

There was a causal connection between Plaintiff's Constitutionally protected conduct and the adverse retaliatory actions taken by Defendants Holmes Hadzic, against Plaintiff.

Defendants Holmes, Hadzic intentionally seized Plaintiff's ID with the intention of seizing it for a substantial amount of time before releasing it.

Additionally, Defendants Holmes, Hadzic conducts in seizing Plaintiff's ID deprived him of his liberty, without probable cause, legal justification, just cause, or any other legally valid reason. The acts complained of were carried out by the individual Defendants in their capacity as police officers, were not pursuant to the customs, usages, practices, procedures, and the rules of the St. Louis County, all under the supervision of ranking officers of said department.

As a proximate result of the illegal and unconstitutional acts of the

Defendants, Plaintiff was harmed and suffered damages for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment.

COUNT IV

VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983

(First Amendment – Retaliation for Protected Conduct)

(Against Defendants Holmes, Hadzic, and St. Louis County)

Plaintiff incorporates herein all the prior allegations.

Plaintiff engaged in Constitutionally protected conduct of recording a post office with his phone camera.

Defendant Holmes, Hadzic, seized Plaintiff and his phone for exercising his First Amendment right to record the post office.

In retaliation for this protected conduct, Defendants Holmes, Hadzic, intentionally breached a sworn duty to protect the rights, of Mr. Gibson, intentionally, knowingly, maliciously, recklessly, unreasonably, and/or gross negligently seized Plaintiff's phone without a warrant or any lawful basis.

Plaintiff's retaliatory detainment was based on Defendants Holmes, Hadzic, knowing, deliberate, and reckless disregard for the truth. Further, Defendants Holmes, Hadzic had no knowledge of any fact or circumstance which would lead a reasonable person to believe that Plaintiff committed any offense, whatsoever.

Such retaliation would chill and serve as a deterrent to a person of ordinary firmness from engaging in such protected conduct.

The retaliation was motivated at least in part by the protected speech or action of filming a post office.

There was a causal connection between Plaintiff's Constitutionally protected conduct and the adverse retaliatory actions taken by Defendants Holmes, Hadzic against Plaintiff.

Defendants Holmes, Hadzic intentionally seized Plaintiff's phone with the intention of seizing it for a substantial amount of time before releasing it.

Additionally, Defendants Holmes, Hadzic, conduct in seizing Plaintiff's phone deprived him of his liberty without his consent, probable cause, legal justification, just cause, or any other legally valid reason.

The acts complained of were carried out by the individual Defendants in their capacity as a police officer, pursuant to the customs, usages, practices, procedures, and the rules of St. Louis County, all under the supervision of ranking officers of said department.

As a proximate result of the illegal and unconstitutional acts of the Defendants, Plaintiff was harmed and suffered damages for his loss of liberty, for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment.

COUNT V

VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983

(Fourth Amendment - Unlawful Seizure of Phone)

(Against Defendants Holmes, Hadzic, and St. Louis County)

Plaintiff incorporates herein all the prior allegations.

The Fourth Amendment requires police officers to possess sufficient probable cause.

Defendants Holmes, Hadzic intentionally, knowingly, and maliciously, recklessly, unreasonably, and/or gross negligently seized Plaintiff's phone without a warrant or any lawful basis.

At all times relevant, Plaintiff had a clearly established right to liberty, including unlawful seizure pursuant to the Fourth Amendment to the United States Constitution.

At all times relevant, as a police officer acting under color of law, Defendants Holmes, Hadzic was required to obey the laws of the United States.

The acts complained of were carried out by the individual Defendants in their capacity as police officers, with the entire actual and/or apparent authority attendant thereto.

The acts complained of were carried out by the individual Defendants in their capacity as police officers, pursuant to the customs, usages, practices, procedures, and the rules of the St. Louis County, all under the supervision of ranking officers of said department.

Defendants, while acting under the color of state law, engaged in conduct that constituted a custom, usage, practice, procedure, or rule of the respective municipality/authority, which is forbidden under the Constitution of the United States.

In violation of Plaintiff's clearly established constitutionally-protected right to be free from punishment and deprivation of life, liberty, and property without due process of law under the Fourth Amendment to the United States Constitution,

Defendants Holmes, Hadzic unlawfully seized Plaintiff's property.

As a proximate result of the illegal and unconstitutional acts of the Defendants, Plaintiff was harmed and suffered damages for his loss of liberty, for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment.

COUNT VI

VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983

(Fourth Amendment - Unlawful Seizure of ID)

(Against Holmes, Hadzic, and St. Louis County, Defendants)

Plaintiff incorporates herein all the prior allegations.

The Fourth Amendment requires police officers to possess sufficient probable cause before seizing the property of a criminal suspect.

Defendants Holmes, Hadzic intentionally, knowingly, and maliciously, recklessly, unreasonably, and/or gross negligently unlawfully ordered Plaintiff to give him his ID and thereafter, immediately unlawfully arrested plaintiff without a warrant or any lawful basis.

At all times relevant, Plaintiff had a clearly established right to liberty, including unlawful seizure pursuant to the Fourth Amendment to the United States Constitution.

At all times relevant, as police officers acting under color of law, Defendants Holmes, Hadzic was required to obey the laws of the United States.

The acts complained of were carried out by the individual Defendants in their capacity as a police officer, with the entire actual and/or apparent authority attendant thereto.

The acts complained of were carried out by the individual Defendants in their capacity as police officers, pursuant to the customs, usages, practices, procedures, and the rules of the St. Louis County, all under the supervision of ranking officers of said department.

Defendants collectively and individually, while acting under the color of state law, engaged in conduct that constituted a custom, usage, practice, procedure or rule of the respective municipality/authority, which is forbidden under the Constitution of the United States.

In violation of Plaintiff's clearly established constitutionally-protected right to be free from punishment and deprivation of life, liberty, and property without due process of law under the Fourth Amendments to the United States Constitution,

Defendants Holmes, Hadzic unlawfully seized Plaintiff's property.

As a proximate result of the illegal and unconstitutional acts of the Defendant, Plaintiff was harmed and suffered damages for his loss of liberty, for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment.

COUNT VII

VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983

(Fourth Amendment - Unlawful Detainment)

(Against Holmes, Hadzic, and St. Louis County, Defendants)

Plaintiff incorporates herein all the prior allegations.

914 The Fourth Amendment requires police officers to possess sufficient
915 reasonable suspicion of criminal activity to detain a suspect.

916 At all times relevant, Plaintiff had a clearly established right to liberty,
917 including his right to personal safety and bodily integrity, as well as
918 protection from unlawful seizure, unnecessary force, unreasonable force
919 pursuant to the Fourth Amendment to the United States Constitution.

920 At all times relevant, as police officers acting under color of law,
921 Defendant Officers were required to obey the laws of the United States.

922 Defendants Holmes, Hadzic wantonly, intentionally, knowingly,
923 maliciously, recklessly, objectively unreasonably, and/or with gross
924 negligence and/or deliberate indifference, detained Plaintiff in the St.
925 Louis County Jail without a warrant or any lawful basis.

926 Plaintiff was detained by Defendants Holmes, Hadzic for filming the
927 post office. Plaintiff was handcuffed by Defendants Holmes, Hadzic,
928 forcibly seized, Mr. Gibsons, car, phone ,gun, and ID was seized was not
929 free to leave and was therefore detained.

930 Plaintiff's detainment was based on Defendants Holmes, Hadzic,
931 knowing, deliberate, and reckless disregard for the truth, wherein,
932 Defendants Holmes, Hadzic, made false statements regarding the law.
933 Further, Defendants Holmes, Hadzic had no knowledge of any fact or
934 circumstance which would lead a reasonable person to believe that
935 Plaintiff committed any offense, whatsoever.

936 Defendants Holmes, Hadzic intentionally detained Plaintiff and/or had
937 him detained with the intention of confining him within the fixed
938 boundaries of in front of the police car kidnapping him and kept him
939 detained for a substantial amount of time in the St. Louis County Jail.

940 Additionally, Defendant's conduct in detaining Plaintiff deprived him of
941 his liberty without his consent, probable cause, legal justification, just
942 cause, or any other legally valid reason.

943 All the aforementioned acts deprived Plaintiff of the rights, privileges
944 and immunities guaranteed to citizens of the United States by the First,
945 Second, Fourth, Fifth and Fourteenth Amendments to the Constitution of
946 the United States of America, and in violation of 42 U.S.C. § 1983.

947 The acts complained of were carried out by Defendants Holmes, Hadzic
948 in their capacity as police officers, with the entire actual and/or apparent
949 authority attendant thereto.

950 The acts complained of were carried out by Defendants Holmes, Hadzic
951 in their capacity as a police officer, pursuant to the customs, usages,
952 practices, procedures, and the rules of St. Louis County, all under the
953 supervision of ranking officers of said department.

954 Defendants Holmes, Hadzic, while acting under the color of state law,
955 Defendants Holmes, Hadzic actions constituted unlawful detention of
956 Plaintiff. As a proximate result of the illegal and unconstitutional acts of
957 the Defendants, Plaintiff was harmed and suffered damages for his loss
958 of liberty for his mental, emotional injury and pain, mental anguish,
959 humiliation, and embarrassment.

960
961 **COUNT VIII**

962 **VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983**

963 **Breach of Duty to protect the Rights**

964 The 2nd amendment makes it clear it is a protected right :THE RIGHT to
965 defend yourself cannot be infringed.

Detective Rob Brannan has a sworn duty to protect the rights of Mr. Gibson, Detective Rob Brannan breached that duty and is liable for the damages caused by his gross negligence.

The defendant Brannan started a lawsuit against the plaintiff

The lawsuit ended in the plaintiff's favor

The defendant Brannan had no reasonable basis for starting the lawsuit

The defendant Brannan acted with malice in starting the lawsuit with indifference to the duty to protect the rights of Mr. Gibson

The plaintiff suffered damages as a result of the lawsuit

It is a fact the detective Brannen who called Mr. Gibson did no investigation, had a sworn duty to protect Mr. Gibsons rights to life, liberty and property, and the right to defend life liberty and property. Brannan pursued a federal indictment against Mr. Gibson, 9/25/20 they send a SWAT TEAM of 5 Military style federal police to his home with machine guns and a 10-ft crowbar to tear down his door, and kidnap him a second time with an illegitimate federal indictment arrest warrant.

This is excessive force.

The right of the people to keep and bear arms shall not be infringed:
Amendment 2 US Constitution

COUNT IX

VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983

(Municipal Liability-Failure to Train and Supervise)

991 *(Against St. Louis County)*

992 Plaintiff incorporates herein all the prior allegations.

993 A municipality is liable under 42 U.S.C. § 1983 if the alleged violations
994 are attributable to its own policies, practices, and customs.

995 At all times relevant to this complaint, Defendant St. Louis County acted
996 with deliberate indifference to Plaintiff's constitutional rights by
997 maintaining policies, practices, and customs that condoned and fostered
998 Defendants Holmes, Hadzic's conduct.

999 In the alternative and at all times relevant to this complaint, Defendant
1000 St. Louis County did not in fact have such a policy in place, but failed to
1001 properly train Defendants Holmes, Hadzic, including supervising police
1002 officers, thereby demonstrating deliberate indifference to Plaintiff's
1003 rights Defendant St. Louis County failed to: (a) adequately supervise and
1004 train its officers and agents, especially Defendants Holmes, Hadzic,
1005 thereby failing to adequately discourage further constitutional violations
1006 on the part of its officers; and (b) properly and adequately monitor and
1007 discipline its officers. Defendants Holmes, Hadzic stated that they were
1008 permitted to seize Plaintiffs ID

1009 Defendant Holmes Explains Post office is **both** Private Property
1010 and **(federal)** Public Property!

1011 As is being pled in this alternative, the fundamental lack of knowledge
1012 of such basic Constitutionally protected conduct by Defendants Holmes,
1013 Hadzic, could only be the by-product of St. Louis County's failure to
1014 adequately train Defendants Holmes, Hadzic, before putting them in the
1015 position in which they were placed by the Defendants City.

Defendant St. Louis County failed to properly train its police officers on the proper standard for initiating an investigation of a criminal suspect, and how and when to seize a person or their property.

It” seems” these police officers think that they have rights none of the rest of us have, they displayed a fundamental misunderstanding of the law, of consensual encounters, to investigative detentions, to stop and ID, to illegal search and seizure, to violations of several civil rights.

To the point where they are willing to initiate unjust force and violence and the brutality of the state, on peaceful people who have literally done nothing wrong.

It seems this attitude and incompetence of the law extends to the top as these two supervisors; St. Louis County Wilson (DSN) 3488, Williams (DSN) 3818, approved the unlawful arrest.

Add into the equation Captain James McWilliams a COMMANDER sent plaintiff a letter February 16, 2022; “I have determined that the officers acted within the scope of their authority in the incident I find no apparent misconduct **or violations of the policies and procedures of this department** and no further investigation will be conducted”.. The captain admitting gross negligence in his letter.

Defendant St. Louis County’s failure to adequately supervise and train its police officers on the proper procedures for investigations and criminal investigations caused Defendant Officers to violate Plaintiff’s Constitutional rights.

As a result of Defendant St. Louis County’s failure to adequately train or correct their policy to arrest people for exercising protected conduct,

Plaintiff was harmed and seeks compensatory and punitive damages in addition to reasonable attorney fees.

COUNT X

VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983

(Breached Duty to protect rights)

(Against Holmes, Hadzic, St Louis County Executive Sam Page

St. Louis County Police Chief Lt. Colonel Gregory

Rob Brannan DSN 4398

Roger Holmes DSN 4496

Emir Hadzic DSN 4547

Wilson DSN 3488

and St. Louis County, Defendants)

Plaintiff incorporates herein all the prior allegations.

Defendant, St Louis County Executive Sam Page was employed by St. Louis County, is responsible for the employees of St Louis County has a duty, swore an oath to protect the rights of the people, breached that duty, as a result Mr. Gibson was damaged

Defendant, St Louis county police chief lieutenant Colonel Gregory was employed by St. Louis County is responsible for his officers has a duty swore an oath to protect the rights of the people, breached that duty, as a result Mr. Gibson was damaged

Defendant, Rob Brannan was the detective was employed by St. Louis County responsible for pursuing a false indictment against Mr. Gibson, has a duty to do a thorough investigation and protect the rights of the people, breached that duty as a result Mr. Gibson was damaged

Defendant, Wilson DSN 3488 was employed by St. Louis County has a sworn duty to protect the rights of the citizens breached that duty, as a result Mr. Gibson was damaged

That all constitutional government is intended to promote the general welfare of the people; that all persons have a natural right to life, liberty, the pursuit of happiness and the enjoyment of the gains of their own industry; that all persons are created equal and are entitled to equal rights and opportunity under the law; that to give security to these things is the principal office of government, and that when government does not confer this security; it fails in its chief design.

Defendants took aim, with intent, and with definite of purpose, Deprived Plaintiff of his natural right to life. Defendants Holmes, Hadzic, St. Louis County, took aim, with intent, and with definite of purpose, Deprived Plaintiff of his natural right to liberty.

took aim, with intent, and with definite of purpose, Deprived Plaintiff of his natural right. to the pursuit of happiness.

Defendants with intent, and with definite of purpose, Deprived Plaintiff of his natural right, to enjoy the gains of his industry.

As a proximate result of the illegal and unconstitutional acts of the

Defendants, Plaintiff was harmed and suffered damages for his loss of liberty for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment. and seeks compensatory and punitive damages in addition to reasonable attorney fees.

COUNT XI

VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983

(First, Second, Fourth, Fifth, and Fourteenth Amendments to the Constitution)

(Against Holmes, Hadzic, and St. Louis County, Defendants)

Plaintiff incorporates herein all the prior allegations.

Excessive force is generally prohibited by the Fourth, and Fourteenth Amendments. The Fourth Amendment protects free citizens from “unreasonable searches and seizures” against “cruel and unusual punishments.” For those who are not free citizens but

who have not yet been convicted, i.e. a pretrial detainee, the Fourteenth Amendment’s due process clause is used to protect against the use of excessive force.

Whether the force used is excessively depends on “whether the officers’ actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” *Graham v. Connor*, 490 U.S. 386, 397, 109 S. Ct. 1865, 1872, 104 L. Ed. 2d 443 (1989). This objective test means that “[a]n officer’s evil

intentions will not make a Fourth Amendment violation out of an objectively reasonable use of force; nor will an officer's good intentions make an objectively unreasonable use of force constitutional.” Id.

When it comes to citizens exercising lawfully protected acts, no amount of force used shall be deemed reasonable, any amount of force shall be unreasonable, criminal.

At all times relevant, Plaintiff had a clearly established right to liberty, including his right to personal safety and bodily integrity, as well as protection from unlawful seizure, unnecessary force, unreasonable force pursuant to the Fourth Amendment to the United States Constitution.

At all times relevant, as police officers acting under color of law, Defendants were required to obey the laws of the United States.

Defendants Holmes, Hadzic wantonly, intentionally, knowingly, maliciously, recklessly, objectively unreasonably, and/or with gross negligence and/or deliberate indifference, used excessive force on Plaintiff without a warrant or any lawful basis.

excessive force was used on Plaintiff by Defendants Holmes, Hadzic for filming the post office lobby.

Plaintiff was handcuffed by Defendants Holmes, Hadzic, forcibly seized, tortured was not free to leave and was therefore detained.

Holmes, Hadzic, hurt plaintiff, (SEEN ON CAMERA) twisting his arm, Plaintiff states “you don’t have to twist me hard like that” Hadzic states “no one is hurting you, (While they are hurting him) this is all on camera we’re good”

Plaintiff’s detainment was based on Defendants Holmes, Hadzic knowing, deliberate, and reckless disregard for the truth, wherein,

Defendants Holmes, Hadzic, Holmes, made false statements regarding the law. Further, Defendants Holmes, Hadzic had no knowledge of any fact or circumstance which would lead a reasonable person to believe that Plaintiff committed any offense, whatsoever. Defendants Holmes, Hadzic intentionally detained Plaintiff and/or had him detained with the intention of confining him within the fixed boundaries of in front

of the police car kidnapping him and kept him detained for a substantial amount of time in the St. Louis County Jail.

Additionally, Defendant's conduct in detaining Plaintiff deprived him of his liberty without his consent, probable cause, legal justification, just cause, or any other legally valid reason, a walking due process violation.

All the aforementioned acts deprived Plaintiff of the rights, privileges and immunities guaranteed to citizens of the United States by the First, Second, Fourth, Fifth, and Fourteenth Amendments to the Constitution of the United States of America, and in violation of 42 U.S.C. § 1983.

Without probable cause or Reason of Suspicion of wrongdoing whatsoever.

False imprisonment. *Plummer v. State*

The Defendants lacked probable cause to arrest Mr. Gibson. The Defendants Hadzic, Holmes, violated federal law.

The Defendants Hadzic, Holmes, violated state law.

The Defendants Hadzic, Holmes, body cams clearly prove their misconduct.

The Defendants Hadzic, Holmes, body cams display clearly the officers

do not understand the law they swore an allegiance to uphold.

The Defendants claimed they arrested plaintiff for trespassing when trespassing did not occur.

All cops should know that this is not criminal behavior and that inalienable right to life liberty and property freedom of the press, the right to keep and bear arms is a clearly established constitutionally protected right, the officers are not entitled to qualified immunity in regard to the false arrest, as to Mr. Gibson's first amendment retaliation claim That Mr. Gibson engaged in a constitutionally protected acts, that he suffered an adverse action likely to chill a person of ordinary firmness from continuing to engage in protected acts, and that the protected act was a substantial or motivating factor in the decision to take adverse action.

The defendants did not contest that the act was constitutionally protected nor could they, the officers removed Mr. Gibson from a public space he had every constitutionally protected right to be in. Holmes, Hadzic was called to the post office because Mr. Gibson was doing what he is invited and allowed to do and it is protected by the FIRST AMMENDMENT.

the forefathers felt it was so important that it was mentioned FIRST.

Defendants Holmes, Hadzic swore an oath to uphold the first amendment and instead of upholding and protecting Mr. Gibson's rights

Defendants Holmes, Hadzic profoundly took aim with intent and definite of purpose violated Mr.

Gibson's FIRST AMMENDMENT.

Mr. Gibson was subjected to unreasonable supervision, when he was not convicted of a crime.

Because of the defendant's negligent actions Mr. Gibson was punished with no due process.

The Fifth Amendment breaks down rights or protections: the protection against the taking of property by the government without compensation...the Defendants kidnaped Mr. Gibson spirit, soul and body, with no due process.

As a proximate result of the illegal and unconstitutional acts of the Defendants, Plaintiff was harmed and suffered damages for his loss of liberty for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment. and seeks compensatory and punitive damages in addition to reasonable attorney fees.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff, Shannon Gibson, demands judgment for the following relief, jointly and severally, against all Defendants:

a. Full and fair compensatory damages in an amount to be determined by a jury; Punitive damages in an amount to be determined by a jury;

1215 c. Reasonable attorney's fees and costs of this action; and

1216 d. Any such other relief as appears just and proper.

1217 **JURY DEMAND**

1218 Plaintiff hereby demands a trial by jury of all triable issues, per Fed. R.
1219 Civ.

1220 P. 38(b).

1221 Shannon Gibson /S/

1222 5520 Minnesota Ave. St. Louis Mo 63111

1223 314 397 9354

1224 Shannon@youchoosetowin.com

1225